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House Bill _____
By _____

Senate No. SB1252
By Harper

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 1, relative to hazing

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) As used in this act unless the context otherwise requires:

(1) "Higher education institution" means a public or private college or university.

(2) (A) "Hazing" means any intentional or reckless act on or off the property of any higher education institution in Tennessee by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety. Acts of hazing shall include any act:

(i) Which intentionally or recklessly endangers the physical health or safety of the student, including but not limited to physical brutality, whipping,

beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance or forced smoking or chewing of tobacco products; or

(ii) Which intentionally or recklessly endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, or other extreme stress inducing activity; or

(iii) That requires the student or prospective member to perform a duty or task which involves a violation of the criminal laws of this state or any political subdivision in this state.

(B) "Hazing" does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

"Hazing" also does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

(b) Each higher educational institution shall adopt a written policy prohibiting hazing by any organization operating under the sanction of the institution. The policy shall be distributed to each new incoming freshman during orientation. Time shall be set aside during orientation to specifically discuss the policy and its ramifications as a criminal offense as well as for expulsion from the institution.

(c) (1) It is an offense for a student of any higher education institution to engage in what is commonly known and recognized as hazing or encourage, aid, or assist any other student in the commission of this offense.

(2) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly such person's knowledge or any reasonable

information within such person's knowledge of the presence and practice of hazing in this state to an appropriate administrative official of the higher education institution.

(3) Any act of omission or commission shall be deemed hazing under the provisions of this subsection.

(d) (1) The offense of hazing is a Class A misdemeanor.

(2) In addition to any punishment imposed by the court, a student found guilty of the offense of hazing shall be expelled from the higher education institution.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.